

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Joseph Michael Dunkley, Sr.,

Defendant.

ORDER ON REPORT

AND RECOMMENDATION

Criminal No. 22-339(3) ADM/DJF

Thomas M. Hollenhorst, Assistant United States Attorney, United States Attorney's Office,
Minneapolis, MN, on behalf of Plaintiff.

Peter B. Wold, Esq., Wold Morrison Law, Minneapolis, MN, on behalf of Defendant.

This matter is before the undersigned United States District Judge for a ruling on Defendant Joseph Michael Dunkley, Sr.'s ("Dunkley") Objection [Docket No. 139] to Magistrate Judge Dulce J. Foster's November 20, 2023 Report and Recommendation [Docket No. 134] ("R&R"). In the R&R, Judge Foster recommends denying Dunkley's Motion to Suppress Evidence Obtained as a Result of August 11, 2022 Traffic Stop [Docket No. 93].

Dunkley does not identify any errors of fact or law in the R&R, and does not state the basis for his Objection. In support of his Objection, Dunkley "relies on his previously submitted Motion (Dkt. #93), Memorandum in Support (Dkt. #124), and the motion hearing transcript." Obj.

In reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also D. Minn.

L.R. 72.2(b). A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C).

After conducting a de novo review, and for the reasons stated in the thorough and well-reasoned R&R, the Court agrees that the totality of the circumstances provided law enforcement with probable cause to search the car that Dunkley had been driving, and that the inevitable discovery doctrine applies as an alternative basis for denying Dunkley’s suppression motion.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Joseph Michael Dunkley, Sr.’s Objection [Docket No. 139] to Magistrate Judge Dulce J. Foster’s November 20, 2023 Report and Recommendation is **OVERRULED**;
2. The Report and Recommendation [Docket No. 135] is **ADOPTED**; and
3. Dunkley’s Motion to Suppress [Docket No. 93] is **DENIED**.

BY THE COURT:

Dated: January 17, 2024

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE